

ORDINANCE #2011-20

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA AMENDING SECTION 29-31 OF THE CITY CODE PURSUANT TO FLORIDA HOUSE BILL 45; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida State Legislature enacted HB 45 preempting local governments from enforcing local Firearms and ammunition regulations; and

WHEREAS, Section 29-31 of the Doral City Code restricts the use and possession of firearms and other weapons in City parks; and

WHEREAS, HB 45 requires that such code sections be repealed, else the City face fines and other penalties.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY, FLORIDA, AS FOLLOWS: ¹

Section 1. Recitals. The foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Section 2. Code Amended. That the Code of Ordinances, City of Doral, Florida, is hereby amended by amending section 29-31, which said section shall now read as follows:

Sec. 29-31. - Hunting and firearms.

- (a) Except as provided for in Section 790.33, Florida Statutes, no ~~No~~ person shall carry, use or possess ~~firearms of any description,~~ air rifles or pistols, spring guns, bows and arrows or any other form of weapon potentially inimical to wildlife or dangerous to human safety on or in any park area or property.

¹ / Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~strikethrough~~.

- (b) No hunting, trapping or the pursuit of wildlife by any means or method whatsoever will be permitted on or in any park area.
- (c) Nothing in this Section shall be interpreted to conflict with the provisions of Section 790.33, Florida Statutes

Section 3. Repeal of Conflicting Provisions. To the extent any provisions of the Code conflict with this Ordinance, those provisions are repealed in their entirety.

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Inclusion in the Code. It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Doral, Florida; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 6. Effective Date. This Ordinance shall be effective upon adoption on second reading.

The foregoing Ordinance was offered by Councilmember Cabrera who moved its adoption. The motion was seconded by Councilman Boria and upon being put to a vote, the vote was as follows

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Michael DiPietro	Yes
Councilman Luigi Boria	Yes
Councilman Pete Cabrera	Yes
Councilwoman Ana Maria Rodriguez	Yes

PASSED AND ADOPTED on FIRST READING this 17 day of August, 2011.

PASSED AND ADOPTED on SECOND READING this 14 day of September, 2011.



Juan Carlos Bermudez, Mayor

ATTEST:



Barbara Herrera, City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



Jimmy L. Morales, City Attorney